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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,726	07/13/2001	Eric Albert Keen	15862-US	5319

7590 05/08/2002  
Deere & Company  
One John Deere Place  
Moline, IL 61265-8098

EXAMINER

MAR, MICHAEL Y

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/905,726**

Applicant(s)  
**Eric-Albert Keen**

Examiner  
**Michael Mar**

Art Unit  
**3618**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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### **DETAILED ACTION**

1. The drawings are objected to because the pivot pin 72 as describe on page 3 of the specification has not been labeled. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites in line 3, "a first support pivotally mounted on the vehicle". However, there is no disclosure in either the specification or the drawings of the first support 16 as being pivotally mounted on the vehicle.

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al.

Esau et al discloses a hood 14, a first support 24, a second support 26, a first arm 16 having opposite ends pivotally coupled to the first support and to the hood, and a second arm 18 having opposite ends pivotally coupled to the second support and a bracket 33 on the hood.

Since fasteners are releasable, it would have been obvious to selectively release either the first or the second supports (fasteners 24 or 26) from the vehicle in order to permit easier access to the engine compartment of the vehicle, since it is considered conventional practice to disconnect a hood, either partially or fully, from a vehicle for improved access to an engine compartment.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al as applied to claim 1 above, and further in view of Silaghi.

Silaghi teaches the use of a spring 58 connected between a bracket 30 mounted on the underside of a hood and the upper end of an arm 40.

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It would have been obvious to provide the hood assembly of Esau et al with a spring connected between the hood and the arm as suggested by Silaghi in order to provide additional biasing for the hood.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al in view of Silaghi as applied to claim 2 above, and further in view of Knight.

Esau et al further teaches the use of a variable length strut 42.

Esau et al does not teach the strut as being attached to the bracket.

Knight teaches the use of a variable length strut 24 attached to a central bracket on a hood.

It would have been obvious to attach the upper end of the variable length strut in the hood assembly of Esau et al to the bracket on the hood as taught by Knight in order to provide a more positive effect on the hood by the strut.

8. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 3618***.

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10. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 308-2571

(for formal communications intended be entered)

(all informal communications should be labeled "PROPOSED" OR "DRAFT")

**or hand delivered to:**

Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202  
Seventh Floor(receptionist)

11. Any inquiry concerning this communication should be directed to Michael Mar at telephone number (703) 308-2087 between the hours of 10:00 AM and 7:00 PM, Monday-Friday or by e-mail at: **michael.mar@uspto.gov**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



**MICHAEL MAR**

**Primary Examiner**

M.Mar

May 4, 2002